



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,425	02/23/2004	Laura Lehto	944-003.219	8588

4955 7590 12/14/2005

WARE FRESSOLA VAN DER SLUYS &  
ADOLPHSON, LLP  
BRADFORD GREEN BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

EXAMINER

KIM, WESLEY LEO

ART UNIT	PAPER NUMBER
----------	--------------

2688

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/785,425	Applicant(s) LEHTO, LAURA	
	Examiner Wesley L. Kim	Art Unit 2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/22/04</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 3 objected to because of the following informalities: Line 3 recites N.sub.i is an integer, however the examiner feels that the N.sub.i should be N.sub.j.  
Appropriate correction is required.
2. Claim 12 objected to because of the following informalities: line 1 recites "setting page means or a button, a number of buttons,...", the examiner believes the word "or" is incorrect and should be "is". Appropriate correction is required.
3. Claim 16 objected to because of the following informalities: line 2 recites "combined in one block, setting page and item means", the examiner believes the phrase "setting page and item means" is incorrect and should be removed from the limitation. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 15, 28, 29 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner is unclear as to what the multiple page dialog field is. The preamble states that a multiple page dialog field is used for setting tasks in a communication device, but to the examiner a setting a task could be anything, i.e. setting ring tones or sound tones, in a communication device. For the purposes of examination the examiner will interpret the phrase "a

multiple page dialog field" in the broadest sense possible, i.e. a listing of sound tones.

2. Regarding claims 1 and 15, the term "optionally" in line 6 and line 7, respectively, renders the claim indefinite because it is a term with alternate meaning. In context with claim 1, the term "optionally" is saying that there is a no-tone sound item but then there doesn't have to be. For the purposes of examination the examiner will assume that the no-tone sound item does not have to be present.
3. Regarding claim 2, the term "optionally" in line 2 renders the claim indefinite because it is a term with alternate meaning. For the purpose of examination the examiner will ignore the term "optionally" in the limitations.
4. Regarding claim 3, the term "optionally" in line 5 renders the claim indefinite because it is a term with alternate meaning. In context with claim 3, the term "optionally" is saying that there is a no-tone sound item but then there doesn't have to be. For the purposes of examination the examiner will assume that the no-tone sound item does not have to be present.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 11-16, 23-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al (U.S. Pub 2001/0053692 A1).

**Regarding Claims 1, 15, 27-29,** Ito teaches opening multiple page dialog field on one page (Fig.9c, items 1-5 are multiple page dialog fields) with a page number  $i$  of  $K$  pages (Fig.9a, pages 1-5 ( $k=5$ ) is shown and page 3 (i.e. 3 of 5) for email was selected) by a user using a setting page means (Par.33, pressing the number on the number pad corresponding to the desired page will allow the user to set the page), wherein said one page contains  $N_{sub.i}$  dedicated sound tone items (Fig.9c, there are  $N \geq 2$  sound tones) with a predetermined purpose (Fig.9a, to alert user of incoming email or incoming call) and presented only on said one page (Fig.9c, the sound tones are on one page), and optionally contains a no-tone sound item (Fig.9c, there is no sound tone however, since it is optional it is not necessary), wherein  $K$  is an integer of at least a value of 2 (Fig.9a,  $K=5$ ),  $N_{sub.i}$  is an integer of at least a value of 2 (Fig.9c,  $N \geq 2$ ) and  $i$  is an integer of a value of  $0 < i < K+1$  (Fig.9a, since  $K=5$ ;  $0 < i < 6$ ); and choosing at least one desired sound tone item from said  $N_{sub.i}$  dedicated sound tone items (Fig.9d, samba sound is chosen from  $N_{sub.i}$  dedicated sound tone items in Fig.9c) or said no-tone sound item by the user using a setting item means thus facilitating said setting of said tasks (Par.42;10-15, decide key registers sets item).

**Regarding Claims 11 and 23,** Ito teaches all the limitations as recited in claim 1 and 15, respectively, and Ito further teaches the communication device is a mobile device or a mobile phone (Fig.1).

**Regarding Claim 12 and 24,** Ito teaches all the limitations as recited in claim 1 and 15, respectively, and Ito further teaches the setting page means is a button, a

number of buttons, a touch screen or a voice activator, or a combination thereof  
(Par.33, pressing the number on the number pad corresponding to the desired page will allow the user to set the page).

**Regarding Claim 13 and 25**, Ito teaches all the limitations as recited in claim 1 and 15, respectively, and Ito further teaches the setting item means is a button, a number of buttons, a touch screen or a voice activator, or a combination thereof (Par.42;10-18, decide key).

**Regarding Claim 14 and 26**, Ito teaches all the limitations as recited in claim 1 and 15, respectively, and Ito further teaches the multiple page dialog field is a display (Fig.9c is a display).

**Regarding Claim 16**, Ito teaches all the limitations as recited in claim 16, and Ito further teaches setting page means (Par.33, pressing the number on the number pad sets page) and the setting item means (Par.42;10-18, decide key) are combined in one block (Fig.1;3A, all buttons are on one block).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-5,7,9-10, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (U.S. Pub 2001/0053692 A1).

**Regarding Claims 2 and 18**, Ito teaches all the limitations as recited in claim 1 and 15, respectively, however Ito **is silent on** determining if a further page with a page number  $j$  out of said  $K$  pages is needed to be open for completing said setting of the tasks, wherein  $j$  is an integer of a value of  $0 < j < K+1$  and  $j \neq i$ .

However, from fig.9a-d it is obvious that a user may determine if a further page with a page number  $j$  out of  $K$  pages is needed to be opened for completing setting of task (Fig.9a, opening page 4 out of 5 and setting sound tone for incoming voice calls).

To one of ordinary skill in the art, it would have been obvious to modify Ito such that, it is determined whether or not a further page with a page number  $j$  out of said  $K$  pages is needed to be open for completing said setting of the tasks, wherein  $j$  is an integer of a value of  $0 < j < K+1$  and  $j \neq i$ , to provide the user with a method of sequentially setting a task (i.e. ringtone) for all desired features of the phone (i.e. incoming voice call, incoming text message, alarm).

**Regarding Claim 3**, Ito teaches all the limitations as recited in claim 2, and although Ito **is silent on** the remaining limitations of claim 3, however it is obvious that Ito can open said further page with the page number  $j$  using said setting page means (Fig.9a;4, voice incoming and Par.33, pressing the number on the number pad corresponding to the desired page will allow the user to set the page), wherein said further page contains  $N_{sub.j}$  further dedicated sound tone items with a further predetermined purpose presented only on said further page (Fig.9c, it is obvious that voice incoming notifications would have its own set of  $N_{sub.j}$  sound tones), and

optionally contains a further no-tone sound item, wherein  $N_{sub.j}$  is an integer of at least a value of 2 (Fig.9c,  $N_{sub.j} \geq 2$ ); and choosing at least one further desired sound tone item from said  $N_{sub.j}$  further dedicated sound tone items (Fig.9d, samba sound in chosen from  $N_{sub.i}$  dedicated sound tone items in Fig.9c) or said further no-tone sound item by the user using the setting item means thus further facilitating said setting of said tasks (Par.42;10-15, decide key registers sets item).

**Regarding Claims 4 and 19**, Ito teaches all the limitations as recited in claim 3 and 18, respectively, however Ito is **silent on** said one page with the page number  $i$  of the  $K$  pages contains a page icon area with  $K$  icons, each identifying a corresponding one of said  $K$  pages by a picture or by a text, respectively, for visually assisting the user for said opening of the further page.

Ito teaches that the use of icons with each identifying a corresponding one of  $K$  pages by a picture or by a text, for visually assisting the user for said opening of the further page (Fig.5). To the examiner it is obvious that these icons could be applied to the said one page so that the page number  $i$  of the  $K$  pages contains a page icon area with  $K$  icons.

To one of ordinary skill in the art, it would have been obvious to modify Ito, such that said one page with the page number  $i$  of the  $K$  pages contains a page icon area with  $K$  icons, each identifying a corresponding one of said  $K$  pages by a picture or by a text, respectively, to provide a method for visually assisting the user for said opening of the further page.



**Regarding Claims 5 and 20**, Ito teaches all the limitations as recited in claims 3 and 18, respectively, and Ito further teaches opening of the further page is performed by scrolling means optionally with arrow keys used as said setting page means (Fig.9a and Fig.6a and Par.42;11-14). To the examiner it is obvious that the further page in Fig.9a can be opened by scrolling down with the arrow keys (i.e. up-down key), which highlights the desired page to be selected for opening.

**Regarding Claim 7**, Ito teaches all the limitations as recited in claim 1, and Ito further teaches saving a selection of the at least one desired sound tone item by the communication device if said at least one desired sound tone item is chosen (Par.42,11-18, registering is the same as saving).

**Regarding Claims 9 and 21**, Ito teaches all the limitations as recited in claim 1 and 15, respectively, however Ito **is silent on** said K pages contain a ringing tone page, a message page and an alarm page with  $K=3$ .

Ito does teach of K pages of menu items with a ringing tone page (Fig.5;2<sup>nd</sup> icon on first row), a message page (Fig.5;last item on last row), and an alarm page (Fig.5;1<sup>st</sup> item on 3<sup>rd</sup> row) with  $K=12$ . One of ordinary skill in the art could envision modifying K to be any integer.

It would have been obvious to one of ordinary skill in the art to modify Ito, such that said K pages contain a ringing tone page, a message page and an alarm page with  $K=3$ , to provide the user with a method for selecting a page to assign a desired sound or non-sound tone.

**Regarding Claims 10 and 22**, Ito teaches all the limitations as recited in claims 1 and 15, respectively, and Ito further teach the step of choosing said at least one desired sound tone item includes playing said at least one desired sound tone using said setting item means (Par.42;10-18, reproduction is playing the sound tone).

3. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (U.S. Pub 2001/0053692 A1) in view of Haraguchi (U.S. Patent 6597279 B1).

**Regarding Claims 6 and 17**, Ito teaches all the limitations of claim 1 and 15, respectively, however Ito **is silent on** turning off all said N.sub.i dedicated sound tone items listed on said one page, if the no-tone sound item is chosen.

Haraguchi teaches that a no-tone (i.e. no alert) sound item can be chosen (Fig.6E) and to one of ordinary skill in the art, it would be obvious that the other sound tone items will be turned off.

To one of ordinary skill in the art, it would have been obvious to modify Ito with Haraguchi, since they are from similar search areas, viz. call alerting, such that turning off all said N.sub.i dedicated sound tone items listed on said one page, if the no-tone sound item is chosen, to provide a method of silencing a phone for certain occasions (i.e. weddings, movies, classroom).

4. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (U.S. Pub 2001/0053692 A1) in view of Kamimura (U.S. Pub 2002/0094806 A1).

**Regarding Claim 8**, Ito teaches all the limitations as recited in claim 7, however Ito **is silent on** the remaining limitations of claim 8. However it is obvious

from Fig.9a of Ito that said multiple page dialog field can be opened on a still further page by the user using the setting page means (Fig.9a;4 and Fig.9c, voice incoming can be selected which will open multiple page dialog field with N number of sound tones in a different page).

Kamimura teaches a page can contains P dedicated non-sound items with a predetermined purpose presented only on said one page (Fig.7;a non-sound item can be selected for the purpose of alerting user of incoming email/voice call), wherein P is an integer of at least a value of 2 (Fig.7;P>2); and choosing at least one desired non-sound item from said P dedicated non-sound items by the user using the setting item means thus further facilitating said setting of said tasks (Fig.7, "selecting vibrating pattern", it is obvious that there is a item setting means and Ito further teaches of item setting means in Par.42;10-15, decide key registers sets item).

To one of ordinary skill in the art, it would have been obvious to modify Ito with Kamimura, since they are from similar search areas, viz. call alerting, such that a multiple page dialog field is opened on another page where the page contains P dedicated non-sound items with a predetermined purpose and choosing at least one non-sound item, to provide a method of allowing a user to assign vibrations as an alert for different features of the phone (i.e. vibrations for text messages and sound tone for incoming call) to accommodate a users preferences.

### ***Conclusion***


Art Unit: 2688

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLK

  
GEORGE ENG  
PRIMARY EXAMINER